

MINUTES
POLICY ADVISORY OPINION COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 IH35 SOUTH
AUSTIN, TX 75034
November 19, 2009—9:15 AM

CALL TO ORDER. Committee Chair Gary Raba, D. Eng., P.E., called the Policy Advisory Opinion Committee meeting to order at 9:15 a.m., on November 19, 2009, at the Texas Board of Professional Engineers, 1917 IH35 South, Austin, TX. (Note: All votes are unanimous unless otherwise indicated.)

1. Roll call and welcome visitors.

Gary Raba, D. Eng., P.E.	Chair
Jose Cardenas, P.E.	Member
Edward L. Summers, Ph.D.	Member
Daniel Wong, Ph.D., P.E.	Member

A quorum was present. Jeb Boyt, Assistant Attorney General, was present to provide legal counsel. Mr. Edmundo Gonzalez, P.E., Emeritus Member, was present.

The following staff members were present:

Lance Kinney, P.E.	Deputy Executive Director
C.W. Clark, P.E.	Director of Compliance & Enforcement
Charles Pennington, P.E.	Staff Engineer
Clif Bond	Supervising Investigator
Dorothy Nieto	Executive Assistant

Visitors. Peyton McKnight, Esq., Texas Council of Engineering Companies; Julia Harrod, Texas Society of Professional Engineers.

2. Public comment. None.

DISCUSS AND POSSIBLY ACT ON THE FOLLOWING ITEMS:

3. Discuss and possibly approve the August 20, 2009, minutes from the Policy Advisory Opinion Committee meeting.

It was MOVED/SECONDED (Summers/Wong) to approve the August 20, 2009, minutes from the Policy Advisory Committee meeting. A vote was taken and the MOTION PASSED.

4. Policy Advisory Opinion Status Report.

Mr. Clark stated that this report was provided for the Committee's review; each policy advisory opinion on the report will be discussed as part of the agenda.

5. EAOR #25 - Licensure requirements for corrosion control services for water transmission and distribution pipelines. Presentation and discussion of research material gathered related to this request. Consideration for acceptance or rejection.

Mr. Pennington reported that the committee previously considered EAOR #25. Staff resources will be used as well as having a stakeholder meeting if needed to provide an opinion to the requestor. According to Mr. Pennington, the Texas Commission on Environmental Quality (TCEQ) does not directly address the certification of a corrosion control person. In the case of an oilfield pipeline, TCEQ requires a NACE corrosion control person. TCEQ also references that licensed operators of water systems recognize corrosion and how to control it. Mr. Gonzalez added that PVC piping is used on everything regarding water distribution systems; the bigger water distribution systems may still use steel pipelines. A report on this agenda item will be provided at the next regular scheduled committee meeting.

6. **EAOR #27 – Request for advisory opinion regarding Storm Water Pollution Prevention Plans and Erosion and Sedimentation Control Plans. Review results of stakeholder meeting and draft opinion.**

Mr. Pennington reported that this advisory opinion was submitted to the Board requesting clarification on what part of a Storm Water Pollution Prevention Plan was engineering. A stakeholder meeting was held and very well attended to discuss the City of Austin's additional requirement for a Certified Professional in Sediment and Erosion Control to complete the Storm Water Pollution Prevention Plans submitted to the city. The City of Austin's concern is the inadequacy of the plans being submitted to the City, and this is why the City added the additional certification requirement. The stakeholder attendees were strongly encouraged to use the TBPE enforcement process regarding incompetent/inadequate engineering. During the recent legislative session, the TBPE Practice Act was amended to state that no entity can require additional certifications to practice engineering other than the engineering license. City of Austin personnel agreed to work with Mr. McKnight on the proposed City of Austin rule change. After the TBPE stakeholders' meeting TSPE, TCEC, and ASCE met with the City of Austin to work on changing this city's rule requirement but the rule change will not be submitted until July 2010. Since the City of Austin is working with Mr. McKnight on this issue, he would like to withdraw this advisory opinion request. The committee further discussed the Certified Professional in Sediment and Erosion Control certification process. Mr. Clark added that staff has also strongly encouraged the use of the Board's enforcement process at the Government Advisory Committee (GAC) meetings. Ms. Julia Harrod commented that the City of Austin's requirements regarding Storm Water Pollution Prevention Plans were updated to include new technology and certifications. Hearing no opposition, the committee unanimously agreed to close this advisory opinion.

7. **EAOR #28 – Preliminary Documents. Request for the Board's opinion of what constitutes an engineering preliminary document and the intended use and value of such a document to the client or entity. Consideration of written response.**

Mr. Pennington stated that an email was sent to Mr. Clark regarding preliminary documents. Mr. Clark responded to the individual addressing the TBPE's rules regarding preliminary documents. The requestor asked that his request be presented to the committee. The staff prepared a written response to be signed by the Executive Director which was included as an exhibit for the committee's approval. The response states that preliminary documents are generally considered to be engineering documents.

It was MOVED/SECONDED (Summers/Wong) to accept that the written response presented by staff be sent to the requestor. A vote was taken and the MOTION PASSED.

8. **Issues for consideration and schedule next meeting.**

None at this time.

ADJOURN.

The Chair adjourned the meeting at 9:39 a.m.

Date minutes were approved as submitted:
Date minutes were accepted by Board:

February 25, 2010
February 25, 2010